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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,849	05/09/2001	Bruce R. David	10420/12	3674

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

CADUGAN, ERICA E

ART UNIT	PAPER NUMBER
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte BRUCE R. DAVID and WILLIAM J. RUSHIN

Application 09/851,849
Technology Center 3700

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on October 29, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:


The Examiner has failed to list prior art relied upon in the rejections currently on appeal under the heading “**(8) Evidence Relied Upon**” in the Examiner’s Answer mailed April 14, 2006. The Examiner cites to *Merriam*

Webster's Collegiate Dictionary (10th ed.) for definitions of the words "through," "router," and "bearing" (Answer 5, 7, 11, 17, 21, 29, 35, and 46). See the *Manual of Patent Examining Procedure* (MPEP) § 1207.02(A)(8). Before further review, the Examiner must mail a PTOL-90 that will include in the amended "**Evidence Relied Upon section**," the list of all references mentioned and provide a copy of any NPL/Foreign reference which is not presently of record. See MPEP § 1207.02. Appropriate correction is required.

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) to issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8);
- (2) to provide a copy of any NPL/Foreign document that is relied upon and not presently of record; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN:hh